

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRED I. DAVIDSON,

Plaintiff

v.

C-1-12-330

BANK OF AMERICA, N.A.,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 23) and plaintiff's objections thereto (doc. no. 25). The Magistrate Judge concluded that the defendant has met the excusable neglect standard and, therefore, recommended that plaintiff's Motion for a Default Judgment (doc. no. 16) should be denied, defendant's Motion for Extension of Time to File an Answer (doc. no. 17) should be granted and the Clerk of Courts should be directed to docket defendant's Answer, submitted as attachment #1 to its Motion (doc. no. 17).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 23). Plaintiff's Motion for a Default Judgment (doc. no. 16) is DENIED and defendant's Motion for Extension of Time to File an Answer (doc. no. 17) is GRANTED. The Clerk of Courts is DIRECTED to docket defendant's Answer, submitted as attachment #1 to its Motion (doc. no. 17).

This case is RECOMMITTED to the United States Magistrate Judge for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber

Herman J. Weber, Senior Judge
United States District Court